ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 104.

An Act to continue the Term and alter and enlarge the Powers of Two Acts, paſſed in the Ninth and Thirtieth years of His preſent Majeſty, for repairing the Road from *Cheadle* to *Botham Houſe*, and from thence to *Butterton Moor End*, in the County of *Stafford*. [18th *May* 1810.]

WHEREAS an Act was paſſed in the Ninth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for repairing and widening the Road from* Cheadle *to* Botham Houſe, *and from thence to* Butterton Moor End, *in the County of* Stafford: And whereas an Act was paſſed in the Thirtieth Year of the Reign of His ſaid Majeſty, intituled, *An Act to continue the Term and alter and enlarge the Powers of an Act, paſſed in the Ninth Year of the Reign of His preſent Majeſty, for repairing and widening the Road from* Cheadle *to* Botham Houſe, *and from thence to* Butterton Moor End, *in the County of* Stafford: And whereas the Truſtees appointed in or by virtue of the ſaid Acts, have proceeded in the Execution thereof, and have borrowed ſeveral conſiderable Sums of Money upon the Credit of the Tolls thereby granted, which ſtill remain due and owing thereon, and which cannot be repaid, nor can the ſaid Road be properly amended, improved and kept in repair, unleſs the Term of the ſaid Acts be further continued, and ſome of the Powers and Proviſions thereof altered, amended and enlarged;, and it is neceſſary that the Tolls granted by the ſaid Acts ſhould be repealed, and others granted in lieu thereof: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts paſſed

9. G. 3. c. 80.

30. G. 3. c. 107.

Neceſſity of continuing the Term and enlarging the Powers of the Acts.

Acts continued.

passed in the Ninth and Thirtieth Years of His present Majesty's Reign, and all the Clauses, Powers, Provisions, Orders, Regulations, Matters and Things therein contained (except such Parts thereof as are hereby varied, altered or repealed, and except such Parts thereof as relate to Exemption from Stamp Duties) shall be and continue in full force and Effect, and shall be executed for the Term hereinafter mentioned in as full, ample and beneficial Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, subject nevertheless to the Amendments, Alterations, Variations and Additions herein contained and this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing in any Manner upon the Credit or on account of the said former Acts, or either of them, and of such other Sum and Sums of Money as shall be borowed or become due and owing on the Credit thereof respectively and of this Act, and of the Interest due upon the same.

Commencement of Act.

Five Trustees sufficient to carry the Act into effect.

II. And whereas in and by the said recited Acts, some of the Powers thereof are thereby required to be executed by a greater Number than Five Trustees, which greater Number hath been found very inconvenient; Be it therefore further enacted, That all Orders, Acts, Matters and Things by the said recited Acts, or either of them, or by this Act authorised, directed and required to be done by the said Trustees, in carrying the same into Execution, shall and may be done and executed by any Five or more of them, and the same shall be as good, valid and effectual, and shall have the same Force and Effect as if such Orders, Acts, Matters and Things had been done and executed by any greater Number of Trustees; but no Order heretofore made or hereafter to be made at any Meeting shall be revoked or altered at any subsequent Meeting, unless a greater Number of Trustees than made the same shall concur therein, and also constitute the majority of such subsequent Meeting.

Trustees may elect fresh ones in room of Persons dispossessed of their Qualifications.

III. And be it further enacted, That when and so often as any Trustee nominated and appointed or hereafter to be appointed, for executing the said Acts and this Act, shall become dispossessed of the Qualification by the said first recited Act required, or shall not attend a Meeting of the said Trustees for the Space of Two Years together, then and in every such Case it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, to appoint another Trustee in his room, in such manner as by the said recited Acts or either of them is or are particularly mentioned and directed for appointing Trustees in the room of such as are dead or refuse to act.

Time and Place of first Meeting of Trustees after the Act is passed.

IV. And be it further enacted, That the Trustees nominated by or elected in pursuance of the said recited Acts, or any Five or more of them, shall meet together at the House of *Benjamin Weston*, known by the Name or Sign of *The Red Lion* in *Ipstones*, in the County of *Stafford*, on the Fourth *Saturday* next after the passing of this Act, and proceed to the Execution of the said recited Acts and this Act, and shall hold their future Meetings as directed by the said recited Acts: Provided nevertheless, that Two Trustees shall be sufficient for adjourning the Meetings of the said Trustees, and in default of such Adjournment the Clerk to the Trustees for the Time being shall and may by affixing or causing to be affixed notice in Writing upon all the Turnpike or Toll Gates erected

and as to future Meetings, two Trustees sufficient to adjourn, but in default of

upon

upon the ſaid Road at leaſt Fourteen Days before the then next propoſed Meeting, appoint the Truſtees to meet where their then laſt Meeting was appointed to be held on that Day Fortnight next after the Day for which ſuch laſt Meeting was ſo appointed as aforeſaid.

Such Adjournment the Clerk to give Fourteen Days Notic of next Meeting.

V. And be it further enacted, That if, after any Adjournment of the ſaid Truſtees, it ſhall upon any Emergency be thought neceſſary that an earlier Day for Meeting ſhould be appointed than the Day appointed by ſuch Adjournment; then and in that Caſe the Clerk to the ſaid Truſtees upon an Order in Writing ſigned by Two or more of the ſaid Truſtees (although not aſſembled at a Meeting) mentioning the Time, Place and Purport of ſuch intended Meeting, ſhall forthwith give Notice in Writing to be affixed on all the Turnpikes then ſtanding upon the ſaid Road, of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Five Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at ſuch Meetings ſhall be as valid and effectual as they would have been in caſe the ſame had been held in purſuance of Adjournment.

Meetings on Emergencies.

VI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of the ſaid recited Acts and this Act, in the Name of their Clerk or Treaſurer for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees or any Five or more of them in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, nor by the Act of any ſuch Clerk or Treaſurer without the Conſent of the ſaid Truſtees or any Five or more of them, but that the Clerk or Treaſurer for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action or Suit: Provided always, That every ſuch Clerk or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, proſecuted or defended in purſuance of the ſaid recited Acts or this Act, ſhall be fully reimburſed and paid out of ſuch Monies as may then be in the Hands of the Treaſurer to the ſaid Truſtees, or out of the firſt Money to ariſe by virtue of the ſaid recited Acts and this Act, after ſuch Action or Suit ſhall be commenced or diſcontinued, all ſuch Coſts, Charges, Damages and Expences as by the Event or in conſequence of any ſuch Action or Proceeding, he ſhall bear, pay, expend or be put unto or become chargeable with, by reaſon of his being made Plaintiff or Defendant as aforeſaid.

Truſtees may ſue and be ſued in the Name of their Clerk.

VII. And be it further enacted, That the Right and Property of all and every the Turnpikes, Toll Houſes, and Building, erected or hereafter to be erected by virtue of the ſaid recited Acts or this Act, and of the Materials for building the ſame, and alſo all Rails, Stiles, Poſts and Fences which ſhall belong to the ſaid Road, and alſo all Tools, Implements, Stone, Gravel and other Materials purchaſed, gotten, or had, or to be purchaſed, gotten, or had for repairing the ſaid Road, ſhall be and are hereby veſted in the ſaid Truſtees; and they or any Five or more of them are hereby empowered to bring or cauſe to be brought any Action or Actions, or to prefer or order to be preferred any Indictment or Indictments,

Property of Toll Houſes &c. veſted in the Truſtees.

Indictments, in the Name or Names of any Five or more of them, or of their Clerk or Treasurer, against any Person or Persons who shall steal, take away, or injure the same or any Part thereof, or disturb them the said Trustees in the Possession thereof.

Present Tolls repealed.

VIII. And whereas the several Tolls by the said recited Acts authorized to be taken on the said Road have been found very inadequate to the proper Execution thereof, and the several Exemptions from the Payment of the said Tolls by the said recited Acts or either of them granted, or any Part thereof as well as the Restraints therein contained from erecting Turnpikes or Toll Gates upon, across, or on the Sides of certain Parts of the said Road, have been found very prejudicial to the said Road; Be it therefore further enacted, That from and after the said Twenty-fifth Day of *March* next after the passing of this Act, all and every the Tolls granted by the said recited Acts or either of them, and also all and every Exemption, Proviso, Clause, Matter and Thing in the said Acts or either of them contained, from and for Payment of Tolls, or for Reduction or Mitigation of Tolls, or Restraint from erecting any Turnpike or Turnpikes, Toll Gate or Toll Gates, shall be and they and every of them are and is hereby repealed; and that such Sum or Sums of Money as the said Trustees of the said Road shall order, direct or appoint, not exceeding the following Tolls, shall be demanded, received and taken by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint in lieu of the Tolls and Sums of Money granted and made payable by the said recited Acts, or either of them, before any Carriage or Cattle whatsoever shall be permitted to pass through any Turnpike or Turnpikes, Toll Gate or Toll Gates now erected and set up or hereafter to be erected and set up by virtue of the said recited Acts or either of them, and of this Act; that is to say)

New Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Carriage whatsoever, the Wheels whereof shall be of the Breadth of Six Inches or upwards, the Sum of Four Pence:

For every Horse, Mare, Gelding, Mule, Ass or other Beast, drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, Phaeton, Curricle or Chair, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, Ass, or other Beast, drawing any Waggon or other such Four-Wheeled Carriage, the Wheels whereof shall be of less Breadth than Six Inches, the Sum of Six Pence:

For every Horse, Mare, Gelding, Mule, Ass or other Beast, drawing any Cart, Wain, or other such Two-Wheeled Carriage, the Wheels whereof shall be of less Breadth than Six Inches, the Sum of Six Pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or other Neat Cattle the Sum of One Shilling per Score, and so in proportion for any greater or less Number: And,

For every Drove of Sheep, Lambs, Hogs, or Swine, the Sum of Ten Pence per Score, and so in Proportion for any greater or less Number:

IX. And

Double Toll on Sundays.

IX. And be it further enacted, That on each and every *Sunday* after the Commencement of this Act there shall be demanded and taken at the several Turnpikes or Toll Gates now erected and set up, or hereafter to be erected and set up upon the said Road, in lieu of the said several Tolls hereby granted or in addition thereto, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time authorize or appoint for that Purpose, double the Tolls by this Act granted to be respectively demanded and taken for every Horse, Beast, Cattle or Carriage as aforesaid.

Present Tolls to be collected till the Twenty-fifth Day of March 1810.

X. Provided always, and be it further enacted, That in the mean time and until the said Twenty-fifth Day of *March* next inclusively, the Tolls at present payable at the several Toll Gates erected on the said Road, shall continue due and payable at the several Gates respectively, and shall be recovered and recoverable in such Manner as is provided by the said recited Acts or either of them.

Tolls to be paid but once a day at each Turnpike.

XI. Provided also, and be it further enacted, That no Person or Persons, who shall have paid Toll for passing through any Turnpike or Toll Gate erected or to be erected upon the said Road, shall be subject or liable to pay any Toll for returning through such Turnpike or Toll Gate the same Day before Twelve of the Clock at Night with the same Horses, Cattle, or Carriage, but shall return Toll free on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes or Toll Gates, which Notes or Tickets such Collector is hereby required to deliver *gratis* on Receipt of the Tolls; but no Person or Persons shall be liable to the Payment of the Tolls hereby granted in any one Day more than twice, for passing upon the whole length of the said Road, any thing herein or in the said recited Acts or either of them contained to the contrary notwithstanding.

No more than two Tolls to be taken in any one Day.

Power to continue the present Gates, to erect others and remove same.

XII. Provided always, and be it further enacted, That the said Trustees or any Five or more of them shall and may, and they are hereby authorized and empowered to continue all or any of the Turnpikes or Toll Gates and Toll Houses now standing in, upon or across the said Road, or on the Sides thereof, and to erect, set up, and build, or cause to be erected, set up, and built, in, upon or across the said Road, or any Part or Parts thereof, and on the Side or Sides thereof, and also across any Lane or Lanes, Way or Ways leading into the same, such and so many other Gates and Turnpikes and a Toll House to each Gate or Turnpike, with Outbuildings suitable thereto, as they the said Trustees or any Five or more of them shall think proper and order, direct or appoint, and also to cause any such Gates, Turnpikes, Toll Houses or other Buildings from Time to Time to be taken down, altered or removed, as they the said Trustees or any Five or more of them shall think proper; and that it shall and may be lawful to and for the said Trustees to take such Tolls at the several Gates or Turnpikes erected or to be erected as aforesaid, as they are in and by this Act authorised or empowered to take at any Gate or Gates erected by or by virtue of the said recited Acts or either of them; but no Alteration shall be made in the Situation of any Gate or Turnpike, nor shall any new Gate or Turnpike be erected, unless the same shall be ordered at a public Meeting of the said Trustees, nor unless Notice in Writing be given of such public Meeting, specifying in such Notice the intended Alteration

and the Place or Places where such new Gate is proposed to be erected, by affixing such Notice at all the Gates or Turnpikes which shall be then standing on the said Road, and by inserting such Notice in some Newspaper published or circulated within the County of *Stafford*, Twenty-one Days at least previous to such Meeting.

Tolls payable for passing 100 Yards on the Road, though after going through a Gate.

XIII. And be it further enacted, That the Tolls hereby granted shall be due and payable for all Cattle and Carriages which shall pass the Distance of One hundred Yards upon the said Road, notwithstanding the same shall not have done so previous to their passing through any Turnpike or Toll Gate erected or to be erected upon or on the Sides of the said Road, in the same Manner as if such Cattle or Carriages had travelled One hundred Yards upon the said Road previous to passing through any Turnpike or Toll Gate erected thereon or on the Side thereof; and in case any Person or Persons shall refuse to pay such Toll to the Keeper of any Turnpike or Toll Gate through which such Cattle or Carriage shall have passed, every such Person shall forfeit any Sum or Sums not exceeding Five Pounds, to be recovered, paid and applied in the same Manner as the Penalties and Forfeitures inflicted or imposed by the said recited Acts, or either of them, are thereby directed to be recovered, paid and applied.

Tolls vested in the Trustees.

XIV. And be it further enacted, That the said several and respective Tolls hereby granted shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied and disposed of in such and the same Manner, and by such Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers as are contained in the said recited Acts or either of them, with respect to the Tolls thereby authorized to be taken; but subject nevertheless to this Act, and the Provisions, Regulations and Restrictions herein contained.

Exemptions from Tolls.

XV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horses or Carriages of whatsoever Description employed or to be employed in carrying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers upon their March or on Duty, nor for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to and returning from the Place of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively

tively at the Time of claiming such Exemptions as aforesaid; nor shall any Toll be demanded or taken of or from any Rector, Vicar or Curate going to officiate or returning from officiating at any Church or other Place of Divine Worship, or visiting his sick Parishioners, nor of or from any Person or Persons going to or returning from his, her or their parochial Church, Chapel, or other Place of religious Worship on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall be attending or going to attend or returning from attending the Funeral of any Person or Persons who shall die or be buried in any Township, Hamlet or Place through which the said Road passes; nor for or in respect of any Cattle or Carriages laden only with Gravel, Stone or other Materials for repairing the said Road, or any Road in any of the Townships, Hamlets or Places in which the same do lie, or going to carry or returning from carrying on the same Day any such Gravel, Stone, or other Materials for repairing such Road; or for any Carriage laden with or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Grass, Hay, Straw, Fodder, Corn in the Straw, not bought, sold or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up, in the Houses, Outhouses, Barns, Yards, or Premises of the respective Inhabitants or Occupiers of Lands; nor for any such Cattle or Carriage passing or repassing, so laden or unladen as last aforesaid, with Muck, Dung, Marl, Compost or other Manure (Lime excepted) for the manuring and improving of Lands, not bought, sold or disposed of, but passing to be laid on the Lands of the Owner thereof; nor for any Cattle or Carriage laden with or going empty for, or returning empty after having been laden with any Plough, Harrow, or other Implement of Husbandry only; nor for any Horse or Horses, or other Cattle or Stock of any Kind, going to or from Water, Pasture, Plough, or other Work in Husbandry, or going to or returning from any Smith's or Blacksmith's Shop to be shoed; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes; nor of or from any Person or Persons going to vote, or returning from Voting at any Election of a Member to serve in Parliament for the County of *Stafford*, on the Day before or Days of such Election, or the Day after the same shall be concluded; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Carriages employed in the public Service not to be subject to Penalties for Overweight, or for an additional Number of Horses.

XVI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to High-

ways

ways or Turnpike Roads, or in this or the said recited Acts contained to the contrary notwithstanding.

Barkeepers competent Witnesses.

XVII. And be it further enacted, That in case any Dispute, Suit or Litigation shall arise touching or in anywise concerning the said Tolls, or the Recovery thereof, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit or Litigation, by reason of his or their being appointed to collect the said Tolls, or acting under the Authority of the said Trustees.

Enabling Trustees to set out Gardens to Toll Houses, and take Possession of Toll Gates when let to farm, if the Rent be in Arrear.

XVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if they think proper, cause a convenient Piece of Ground for a Garden, not exceeding One Quarter of an Acre in Quantity, to be set out to every Toll House erected or to be erected by virtue of the said recited Acts, or either of them, or this Act; and that in case the Tolls arising from all or any of the Turnpikes or Toll Gates erected or to be erected on the said Road shall, at any Time or Times during the Continuance of this Act, be demised or let to farm to any Person or Persons whomsoever, and the Lessee or Lessees, Farmer or Farmers to whom the said Tolls shall be respectively demised or let, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers shall be in Arrear for the Space of Ten Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for letting the same; then, and in either of the said Cases, the said Trustees or any Five or more of them, or their Clerk or Treasurer, or other Person, authorized by Writing under the Hands of any Five or more of them, shall be at liberty, and they and he are and is hereby authorized to enter into and upon the Possession of the Toll House and Toll Houses, with the Buildings and Appurtenances thereunto belonging, so letten as aforesaid, and to remove and put out such Lessee or Lessees, Farmer and Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them, if they shall think fit, to vacate and determine the Contract or Agreement for leasing or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for payment of the Rent or Rents thereby reserved) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, or any Five or more of them, in every such case to demise or let to farm the said Tolls again to any other Person or Persons, in the same Manner as if no former Contract or Agreement had been entered into relative to the same.

Penalty on assaulting Persons in the Execution of this Act.

XIX. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder or disturb, or cause promote, or encourage to be assaulted, interrupted, hindered or disturbed, the Collectors of the Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by them, or either of them, respectively, or by the said Trustees, or any of them, in the Execution of any Part

of

of the ſaid recited Acts or this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Ten Pounds; which Penalty ſhall be applied towards the Repairs of the ſaid Roads, and ſhall be recovered in ſuch Manner as the other Penalties are by the ſaid Acts or this Act, or any of them, directed to be recovered.

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences touching Statute Work.

XX. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof reſpectively, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Stafford*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part and Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads reſpectively, by the Inhabitants of the reſpective Townſhips or Places in which the ſaid Road reſpectively lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip or Place, in Lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereunto it ſhall be lawful for the ſaid Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Townſhip or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in Lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads reſpectively, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Haytime or Harveſt) and in ſuch Parts of the ſaid Road reſpectively, as the ſaid Truſtees or their Surveyor or Surveyors ſhall, from Time to Time, order, direct and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in Lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts or this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her or them, at his, her or their laſt or uſual Place or Places of

Abode for that Purpoſe by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, or any Part thereof, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road reſpectively; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road reſpectively; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Townſhips or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending, ſhall, for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Directing the Application of Money paid for Lands, &c. when amounting to 200l.

XXI. And be it further enacted, That if any Monies ſhall be agreed or awarded to be paid for any Lands, Grounds, or other Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Acts and this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, ſuch Monies ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid Acts and this Act, to the Intent that ſuch Monies ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Grounds or other Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Grounds or other Hereditaments, or affecting other Lands, Grounds or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Monies ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Grounds or other Hereditaments, which ſhall be conveyed and ſettled, to, for and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Grounds, or other Hereditaments which ſhall be ſo purchaſed, taken or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting, undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Monies ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name

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in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall, from Time to Time, be paid by Order of the ſaid Court, to the Perſon or Perſons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Grounds, or other Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 20l. and not exceeding 20l.

XXII. Provided always, and be it further enacted, That if any Money ſo awarded to be paid for any Lands, Grounds, or Hereditaments, purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then, and in all ſuch caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Grounds or Hereditaments ſo purchaſed, taken or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in the Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing therefrom, may be applied in any Manner hereinbefore directed, ſo far as the Caſe may be applicable, without obtaining, or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Where leſs than 20l.

XXIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds or other Hereditaments ſo purchaſed, taken or uſed for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

XXIV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Acts and this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or

Perſons

Perſons entitled to ſuch Lands, Tenements or Hereditaments be not known or diſcovered, then and in every ſuch caſe it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [*deſcribing them*] ſubject to the Order, Control and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to the Money to be paid, the Perſons who ſhall be in Poſſeſſion of the Land at the Time of ſuch Purchaſe, ſhall be deemed entitled thereunto according to ſuch Poſſeſſion, unleſs, &c.

XXV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of the ſaid recited Acts and this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhown to the Satisfaction of the ſaid Court of Chancery: and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

XXVI. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts and this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements

or

or Hereditaments to be ſettled to the like Uſes, in purſuance of the ſaid recited Acts and this Act; it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid Acts and this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of the ſaid Acts and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Penalty on Perſons injuring the Roads.

XXVII. And be it further enacted, That if any Perſon or Perſons driving any Pigs or Swine upon the ſaid Road or any Part thereof, ſhall ſuffer the ſame to ſtop upon the ſaid Road or any Part thereof, or to root up and damage the ſame or any Part thereof, or the Fences, Hedges, Backings or Cops on either Side thereof; or if any Perſon driving or riding upon any Horſe, Mare or Gelding, Mule or Aſs carrying Cans, Crates or Panniers, ſhall not keep the ſaid Horſe, Mare or Gelding, Mule or Aſs on the left-hand Side of the ſaid Road; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires commonly called Bonfires, or ſhall ſet fire to or let off or throw any Squib, Rocket or Fireworks whatſoever on any Part or Parts of the ſaid Road, or within Forty Yards from the ſame, or ſhall wheel any Wheel Barrow or Wheel Barrows upon any Footway adjoining the ſaid Road or any Part thereof, or ſhall lay any Hay, Straw or other Matter or Thing upon any Part or Parts of the ſaid Road to be made into Manure, or ſhall ſcrape off the ſame any Mud, Soil, Matter or Thing which ſhall be or lie upon any Parts of the ſaid Road with an Iron Rake or other Inſtrument with ſharp Points, or ſhall pull or force up any Stones or other Parts of the Pavement on the ſaid Road or any of them to the Damage thereof, or ſhall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatſoever upon the ſaid Road or any Part thereof, or ſhall otherwiſe obſtruct or impede the Paſſage upon the ſaid Road or any Part thereof, or ſhall turn out any Horſes, Cows or other Cattle, Mules, Aſſes or Swine upon the ſaid Road hereby directed to be repaired or any Part thereof, or into the Lanes or Ditches adjoining the ſame (except where the ſaid Road or any Part thereof paſſes over any open Common); every Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied and applied in ſuch Manner as other Penalties, Forfeitures and Fines are by the ſaid recited Acts or either of them, or this Act, directed to be recovered, levied and applied.

Summary Way of convicting.

XXVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt the ſaid recited Acts and this Act, or any of them, be it further enacted, That every Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt the ſaid recited Acts or either of them, or this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe may happen; (that is to ſay)

Form of Conviction.

To Wit. { ‘BE it remembered, That on the Day of in the Year of our Lord

‘ *A. B.* is convicted before me *C. D.* one

[*Loc. & Per.*] 26 *L* ‘ of

'of His Majesty's Justices of the Peace for the County of
'[*here specify the Offence, and the Time and Place when and where the*
'*same was committed, as the Case may be*]. Given under my Hand and
'Seal the Day and Year first abovementioned.

'*C. D.*'

Expences of Act how to be paid;

XXIX. And be it further enacted, That the Costs, Charges and Expences incident to and attending the obtaining and passing this Act shall be paid by the said Trustees or any Five or more of them, out of the Monies already raised by virtue of the said recited Acts and now in the Treasurer's Hands, or out of the first Monies which shall be collected or received by virtue of the said Acts and this Act, in preference to all other Payments whatsoever;

and Persons advancing Money to be repaid with Interest.

and in case any Person or Persons shall advance and pay any Money for or on Account of obtaining this Act, as well the Person or Persons advancing and paying any such Money as also all and every other Person and Persons who have already advanced any Monies to and for the Use of the said Trustees for the Purposes of the said Acts or this Act, shall be repaid the same out of any Monies already raised or received or to be raised or received by virtue of the said recited Acts and of this Act, together with Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the same.

Publick Act.

XXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Term and Continuance of this and of the former Acts.

XXXI. And be it further enacted, That this Act shall commence upon the Second *Monday* next after the passing of this Act, and shall continue and be in force, and be executed for and during the residue now to come and unexpired of the Term granted by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament

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